

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Garretson School District**  
**Accountability Review - Monitoring Report 2010-2011**

**Team Members:** Linda Shirley, Team Leader; Chris Sargent, Donna Huber, Education Specialists; Bev Petersen, Transition Liaison; and Becky Cain, Special Education Program

**Dates of On Site Visit:** April 14, 2011

**Date of Report:** August 3, 2011

**Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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#### ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

A student 555 on child count due to Autism. File refers to diagnosis of autism Feb. 02. In 2011 the student was evaluated and scores were unlikely for Autism. No language evaluation was given, and scores on the BASC and CONNERS showed no significant scores. The student only has 2 goals which do not align with an Autism diagnosis. The team needs to meet and review all evaluations, do a language evaluation and determine appropriate placement. There was not a determination of eligibility to show the areas of Autism that the student meets to qualify.

A student 555 on child count No diagnosis found for OHI ADHD. Verify diagnosis and send a copy.

#### **1. GENERAL SUPERVISION**

**(Statement of non-compliance from report of December 6 & 7, 2004)**

##### **Out of compliance**

##### **ARSD 24:05:30:05. Content of notice.**

The notice must include the following: A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal. In three out of four files of transition age students, no prior notice consent for a transition evaluation was seen.

**24:05:24:01. Referral.** Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following:

- (1) Referral through screening;
- (2) Referral by classroom teacher;
- (3) Referral by other district personnel;
- (4) Referral by other public or private agencies; and
- (5) Referral by private schools, including religious schools.

**24:05:27:15.01. IEPs for student transfers within state.** If a student with a disability transfers school districts within the same academic year, enrolls in a new school, and had an IEP that was in effect in the state, the school district shall provide the student with a free appropriate public education. This includes providing services comparable to those described in the previously held IEP, in consultation with the parents, until the school district adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with federal and state law.

**24:05:27:15.02. IEPs for student transfers from another state.** If a student with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a school district in South Dakota, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide the child with

FAPE, including services comparable to those described in the student's IEP from the previous school district, until the new school district:

- (1) Conducts an evaluation pursuant to chapter 24:05:25, if determined to be necessary by the new school district; and
- (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in this chapter.

**Follow-up: April 14, 2011**

**State Performance Indicators:**

No prior notices could be found for the following evaluations given, Goldman-Fristoe Test of Articulation, Gross Motor Evaluation, and no prior notice for dismissal from OT.

A referral was not found for 5 students whose files were reviewed.

Parent input into the evaluation process was not found in 8 files reviewed.

Five files did not have any skill based evaluations for programming. Sources for skill based assessments were not listed, but the team could verify that some came from the standardized evaluations used for qualification.

Three students transferring in from another district did not have documentation of a meeting to show the district can implement the IEP as written, or to make changes.

**Corrective Action:**

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding: <ul style="list-style-type: none"><li>• Referral and informal review</li><li>• Determination of needed evaluations per suspected category of disability. Parent input into the evaluation process.</li><li>• The completion of prior notice/consent for evaluations needed for the purpose of determining eligibility and meeting notice</li><li>• Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment. The districts skill based assessment report will include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (weaknesses) for each skill area affected by the disability including transition.</li><li>• Data showing any transfer students entering the district have had their IEP adopted, or changed to meet all regulations.</li><li>• Determining eligibility and completing the eligibility</li></ul>	July 2012	All Special Education Staff	

document <ul style="list-style-type: none"> <li>Developing an IEP that provides educational benefit</li> </ul> <p><b>Data Collection:</b></p> <p>Each special education teacher and speech pathologist will submit for <u>two students who have been initially evaluated or reevaluated</u> during the progress reporting period a copy of the following:</p> <ol style="list-style-type: none"> <li>Referral document (if applicable)</li> <li>If you have a transfer student submit all data the district receives and notices sent to receive documents.</li> <li>The prior notice/consent for evaluation, showing parent input into the evaluation process.</li> <li>Copies of <u>all</u> the evaluation reports including skill based.</li> <li>Copy of the prior notice for the eligibility/IEP meeting,</li> <li>Copy of the MDT/eligibility document and;</li> <li>Copy of the IEP</li> </ol>			
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**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

## **2. GENERAL SUPERVISION**

**(Statement of non-compliance from report of December 6 & 7, 2004)**

### **Out of compliance**

#### **24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include a statement of the student's present levels of educational performance. The monitoring team determined that in six out of twenty five files, the present levels of performance were not linked to functional information gathered during the evaluation process and functional evaluation information was not linked to the general curriculum.

#### **24:05:28:01.03. Content of individualized education program**

The IEP must also contain a justification statement. Each student's individualized education program shall include an explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in extracurricular and non-academic activities. In seven of the files reviewed, the focus was on what the student needed to do, rather than the reason for accepting a particular placement in which services are provided.

#### **24:05:27:02 Continuum of Alternative Placement**

The IEP must address the special education and related services to be provided, the amount, and the location of services. In seven files containing related services, the location for services was identified as occurring in two locations, either the classroom or the therapy room.

#### **ARSD 24:05:25:26 Extended School Year (ESY)**

When determining the need for ESY, the district may not limit extended school year services to a particular category of disability, unilaterally limit the type, amount or duration of those services or apply a regression/recoupment criterion for children in need of prolonged assistance. The need for extended school year services must be addressed each year for all students eligible for special education. In two files there was prior notice for a meeting to determine the need for ESY, and there was no documentation that the meeting took place. In two other files the need for ESY was not

addressed. In all, eight out of twenty five files had deficiencies with how ESY was addressed. These included no information about plan, goal numbers etc.

**Follow-up: April 14, 2011**

Four students with behavior impedes learning did not list any positive strategies only what the behaviors were, not how they were being addressed. Two students with behavior concerns Autism and OHI (ADHD) did not have behaviors impede learning checked. Two students with OHI (ADHD) did not have behaviors addressed in the present levels.

Configuration of services was not broken out in 5 files. One file was blank for services.

Seven files did not have goals that were measurable. ex: “\_\_\_ will be able to read at a DRA level of 38 with 90% accuracy in 3 out of 4 tries.” “\_\_\_will execute three jumping jacks with minimal pausing and without balance challenge. 3 out of 4 trials.”

<p>The district will review IEP files to ensure all required content. Including:</p> <ol style="list-style-type: none"><li>1. Present levels being skill specific stating the student strengths and needs. Parent input, and how the disability affects involvement in the regular classroom.</li><li>2. Goals relate back to the present levels and have condition, performance and criteria.</li><li>3. Students qualifying OHI with ADHD and Autism will show behaviors impede learning.</li><li>4. Description of services will be documented in the area of disability.</li><li>5. Justification statements will be completed for all students.</li></ol> <p><b>Data Collection:</b> Data submitted for General supervision # 1 will be used to verify correction to this issue. Two files for students under the category of OHI and 1 under Autism will be submitted.</p>	July, 2012	School District	
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**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**